

**MINUTES OF THE  
VINEYARD TOWN COUNCIL MEETING  
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah  
September 12, 2012**

**PRESENT –**

Mayor Randy Farnworth  
Councilmember Sean Fernandez  
Councilmember Nathan Riley

**ABSENT –**

Councilmember Jeff Gillespie  
Councilmember Norm Holdaway

**Staff Present:** Town Attorney David Church, Town Engineer Don Overson, Town Planner Nathan Crane, Town Clerk/Recorder Debra Cullimore, UCSO Deputy Collin Gordon.

**Others Present:** Stewart Park of Anderson Development, Nate Hutchinson and Tony Train representing Flagship Homes.

The Vineyard Town Council held a Regular Meeting Wednesday, September 12, 2012, beginning at 7:00 p.m. The invocation was offered by Sean Fernandez.

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**Regular Session** – The meeting was called to order at 7:12 p.m.

**MINUTES REVIEW AND APPROVAL** – The Council reviewed the minutes of the meeting of August 22, 2012

COUNCILMEMBER FERNANDEZ MOVED TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 22, 2012. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL** - *Planning Commission Liaison Norman Holdaway*

Councilmember Holdaway was not present at the meeting.

**STAFF REPORTS** –

Planner, Nathan Crane – Mr. Crane reported that he will be attending meetings with Alpine School District and Mountainland Association of Governments in the coming weeks to discuss population projections in Vineyard.

Engineer, Don Overson – JUB Engineers – Mr. Overson reported that asphalt will be installed in the next week on RDA projects Phase1.

Water Operator Technician – Sullivan Love – Mr. Love was not present at the meeting.

Attorney – David Church – Mr. Church reported the attachments for the Homesteads Reimbursement Agreement have been clarified, and the agreement will be finalized in the coming days. This will facilitate reimbursements to the Town for capital projects, as well as wetlands mitigation associated with the project.

Utah County Sheriff's Department – Deputy Collin Gordon – Deputy Gordon observed that the signage on the beach area along Vineyard Road refers to Vineyard ordinances. However, the beach park area is owned by Utah County. He suggested that signage reflect County ordinances, or possibly a combination of Town and County laws. He will work with Utah County Public Works to update the signage.

Deputy Gordon also discussed prosecution of Vineyard Ordinances through the Utah County Justice Court. He explained that the vast majority of violations can be addressed under either state or county laws. However, if the Town wants to include any specific ordinances for prosecution, it will be necessary to enter into an agreement with the Justice Court. The Council will discuss this further at future meetings.

Financial Report – Town Treasurer, Nathan Riley – Councilmember Riley had no items to report.

Town Clerk/Recorder – Ms. Cullimore reminded the Council of the Vineyard Fall Festival on September 15, 2012 from 10:00 a.m. to 3:00 p.m. She reviewed various events planned for the Celebration, including giving Our Vineyard Heritage Books out to residents who sign up for paperless billing and paperless communication from the Town. The Council also suggested that books be given to new residents as they move into the community.

## **BUSINESS ITEMS** –

### **5.1 Discussion and Action - Preliminary Plat – LeCheminant at Vineyard - Flagship Homes.**

*The Mayor and Council will review and possibly act to approve a request by Flagship Homes for approval of a preliminary subdivision plat for the Lecheminat at Vineyard Subdivision. The proposed subdivision is 128 lots located on the northwest corner of Vineyard Road and Center Street. The Planning Commission recommended approval with stipulations.*

Town Planner, Nathan Crane, explained that this is an application for preliminary plat approval for LeCheminant at Vineyard subdivision, which is designated for Mixed Use Residential development in the HDR-1 zone. He clarified that preliminary plat approval is an administrative action, but that the requested increase in density is a legislative action which the Council has discretion to approve or deny based on specific criteria, such as open space provided in the plan. He noted that the plan which was previously approved included 16% open space. The current proposal provides 10% open space. The proposed subdivision consists of 128 lots, a reduction of 56 lots from the original plan, with an average lot size of 4000 square feet. The current proposal also designates all roads as public, and the right-of-way for the Center Street rail road overpass will be dedicated to the Town free of charge. Mr. Crane explained that phasing of the subdivision is proposed, but that each phase will be required to stand alone regarding infrastructure.

Mr. Crane went on to explain that Vineyard Road on the east of the proposed subdivision may be abandoned at some time in the future, with the current road area being used as a trail. The subdivision

proposal includes an additional 20 feet of trail corridor in addition to the roadway as part of proposed open space. Mr. Crane noted that Town ordinance allows the preservation of natural areas to be included as open space. He observed that one area of open space shown on the plan is an area which is currently a delineated wetlands. However, the wetlands delineation may be removed in the future allowing the area to be improved. He outlined a proposed park area included in the plan located on the southeast corner of the proposed subdivision. In addition, staff will work with the developer to install fencing along Center Street and Vineyard Road. Staff anticipates maintaining consistent continuous fencing throughout the Homesteads development area.

Mr. Crane explained that the Planning Commission reviewed this Preliminary Plat application, and recommended approval with the following twelve stipulations:

1. The final plat shall conform to the preliminary plat dated stamped August 31, 2012 except as modified by these stipulations.
2. Development shall conform to the Sunset Villas development plan date stamped January 4, 2010 and Ordinance 2010-10 as determined by the Town Planner. In addition, prior to issuance of any construction permits, the applicant shall provide evidence that all stipulations of Ordinance 2010-01 are met.
3. Prior to final plat recordation, the street names and addressing shall be approved by the Town Engineer and Town Planner.
4. Prior to the issuance of a building permit a wetland delineation shall be completed. Prior to approval of the final plat for phase 2 financial assurances shall be in place for the construction of any mitigation measures.
5. A preliminary landscape plan for the entire subdivision shall be reviewed and approved prior to final plat approval. Prior to approval of the first building permit, the final landscape and wall plan shall be approved by the Town Planner.
6. The wetlands area shall not be accepted by the Town until such time as all improvements are completed to the satisfaction of the Town Engineer and Town Planner.
7. The design and location of all mail box banks shall be approved by the Town Planner and Town Engineer.
8. The following notes shall be placed on the final plat: 1) This subdivision is located within the proximity of an active rail road line. 2) This subdivision is located within a high groundwater area. Each home owner is responsible for the ownership and maintenance of all land drains located within each lot.
9. Prior to recordation, the final plat shall be revised as determined by the Town Engineer.
10. Prior to final plat approval the Town shall determine who will own and maintain the proposed open space.
11. The backbone infrastructure shall be provided as determined by the Town Engineer and Town Planner. Each individual phasing plan shall meet the infrastructure requirements as determined by the Town Engineer and Town Planner at time of final plat approval. Further, financial guarantees shall be provided for each phase as determined by the Town Engineer.
12. The final plat for phase 4 shall be revised as determined by the Town Engineer to address the location of Vineyard Road and the planned future trail. In addition, the applicant shall provide documentation that a minimum of 10% open space has been provided for the entire project. A minimum of 10% useable open space shall be provided in the interior of the project.

Mr. Crane noted that the Planning Commission specifically felt that the open space provided on the plan should be useable open space, and felt that the wetlands area would be usable to the public. Mr.

Overson noted that if the wetlands delineation remains in place, it will be necessary for the Town to take ownership of the area as wetlands areas are not permitted to be privately owned. He noted that it will also be necessary to determine ownership of the park area as to whether it will be owned by the Town or if a homeowners association will be responsible for maintenance and repairs of the park.

Councilmember Fernandez requested clarification regarding proposed lots and density. Mr. Crane explained that this proposal decreases the number of lots and the density of the subdivision from the previously approved plan. He clarified that a sound wall will be required along the east boundary of the subdivision due to the rail corridor. The sound wall will be installed as part of Phase 4 of the development. Councilmember Fernandez observed that there may be complaints from residents in Phase 1 if there is a significant delay in construction of the sound wall. Councilmember Riley observed that installation of the wall could be required with Phase 1. However, it is unclear at this time where the wall will be installed based on whether or not Vineyard Road is abandoned in the future. Mr. Crane explained that a note will be included on the plat which states that the development is located in the vicinity of an active rail corridor.

Councilmember Riley requested clarification regarding Stipulation #8. Mr. Overson explained that there are very few existing land drains in the area of the proposed subdivision, and that construction of basements will require a French drain system around each home which the homeowner will be responsible for. Mr. Crane clarified that the notes on the plat are intended to notify future owners of specific requirements.

The Council went on to discuss the recommendation from the Planning Commission that the open space be usable. They observed that creating usable open space within the development would result in a loss of several lots. Tony Train observed that the park area shown near the future trail area will provide access to the trail. Mr. Crane noted that landscaping is also proposed in the overpass right-of-way area. Mr. Church observed that residents may not approve of removal of landscaping from the right-of-way area at the time the roadway develops if they have been using it as park area. Mr. Crane stated that he is hopeful that the future of Vineyard Road and a possible trail corridor will have determined by the time Phase 4 is developed.

Stewart Park observed that each home will have a private yard which will provide play areas for children. He asserted that he has lived in Sandy for 25 years, and that there is not a public park within walking distance from his home. Mayor Farnworth noted that additional open space may be created in conjunction with future development in the area as well.

Councilmember Riley requested clarification regarding proposed landscaping. Mr. Hutchinson stated that landscape elements will include front yards, park strips, trees and entrance features. Mr. Crane also noted that the wetlands delineation will be completed prior to construction. Councilmember Fernandez felt that any remaining concerns could be addressed during review of the final plat application.

Mayor Farnworth called for further comments or discussion from the Council. Hearing none, he called for a motion.

**COUNCILMEMBER FERNANDEZ MOVED TO APPROVE THE LECHESMINANT AT VINEYARD PRELIMINARY PLAT WITH THE TWELVE STIPULATIONS AS RECOMMENDED BY THE PLANNING COMMISSION, BUT REMOVING THE PLANNING COMMISSION RECOMMENDATION THAT THE OPEN SPACE BE USABLE OPEN SPACE.**

COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

Councilmember Fernandez was excused from the meeting at 8:15 p.m.

**5.2 Presentation - Lake Side 2 Project Update - Bob Van Engelenhoven and Bret Hunter of PacifiCorp will present an update on the Lake Side 2 Power Plant project.**

Mr. Engelenhoven introduced himself to the Council. He stated that PacifiCorp is currently working with Lindon City and Orem City regarding a possible land donation in conjunction with the Lindon Hollow drainage project. PacifiCorp originally planned to provide an easement along their property, but has since determined that it would be in the company's best interest to donate the land and eliminate any liability to the company. He also noted that the Lindon Hollow Creek has been declared a June Sucker habitat. The Department of Environmental Quality and the Army Corp of Engineers is currently working with PacifiCorp, Lindon and Orem to resolve relevant issues.

Mr. Engelenhoven went on to discuss development of the Lakeside 2 project, including delivery and traffic impacts. He noted that dust control is completed daily. When the project peaks in 2013, 400 to 500 workers are expected on site each day. The contractor will work with local police to resolve any traffic issues.

Mr. Engelenhoven stated that all large equipment will be on site by the end of 2012. Construction of above ground structures is expected during 2013. The facility is expected to begin generating electricity by June of 2014. Mr. Engelenhoven thanked the Mayor and Councilmember Riley for their time, and invited them to contact him with any questions which may arise.

**5.3 Discussion and Action - 400 North Memorandum of Agreement - Town of Vineyard and Utah Transit Authority. – The Mayor and Council will review and possibly act to approve a Memorandum of Agreement between the Town of Vineyard and Utah Transit Authority relative to the 400 North rail road crossing.**

Mr. Church explained that this agreement is associated with the Utah Transit Authority Quiet Zone agreement. Due to the potential of the 400 North rail crossing becoming a public crossing in the future, it is necessary to assure that required improvements will be in place according to Quiet Zone requirements prior to opening the crossing.

Due to the fact that a quorum was no longer present at the meeting, the Council will discuss the proposed agreement and possibly take action during the September 26, 2012 Town Council meeting.

**OPEN SESSION –**

Mayor Farnworth called for comments from the audience. There was no public comment

**COUNCILMEMBER'S REPORTS –**

No Councilmember Reports were given at this meeting.

**MAYOR'S REPORT** –

Mayor Farnworth had no items to report

**ADJOURNMENT** –

The meeting was adjourned by consensus at 8:38 p.m. The next regular Town Council Meeting is scheduled for September 26, 2012.

**MINUTES APPROVED ON** – September 26, 2012

**CERTIFIED CORRECT BY** \_\_\_\_\_  
**DEBRA CULLIMORE, TOWN CLERK/RECORDER**